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**DEPARTMENT OF DEFENSE**

**GENERAL SERVICES ADMINISTRATION**

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

**48 CFR Chapter 1**

[Docket FAR 2012-0080, Sequence 9]

**Federal Acquisition Regulation; Federal Acquisition Circular  
2005-64; Introduction**

**AGENCY:** Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Summary presentation of a final rule.

**SUMMARY:** This document summarizes the Federal Acquisition Regulation (FAR) rule agreed to by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) in this Federal Acquisition Circular (FAC) 2005-64. A companion document, the Small Entity Compliance Guide (SECG), follows this FAC. The FAC, including the SECG, is available via the Internet at <http://www.regulations.gov>.

**DATES:** For effective date see separate document, which follows.

**FOR FURTHER INFORMATION CONTACT:** The analyst whose name appears in the table below in relation to the FAR case. Please cite FAC 2005-64 and the specific FAR case number. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at

202-501-4755.

**Rule in FAC 2005-64**

| <u>Subject</u>   | <u>FAR Case</u> | <u>Analyst</u> |
|--|-----------------|----------------|
| Nondisplacement of<br>Qualified Workers Under<br>Service Contracts | 2011-028        | Loeb           |

**SUPPLEMENTARY INFORMATION:** A summary for the FAR rule follows. For the actual revisions and/or amendments made by this FAR case, refer to the document following the item summary. FAC 2005-64 amends the FAR as specified below:

**Nondisplacement of Qualified Workers Under Service Contracts  
(FAR Case 2011-028)**

This final rule adds subpart 22.12, entitled "Nondisplacement of Qualified Workers Under Service Contracts," and a related contract clause, to the FAR. The new subpart implements Executive Order 13495 and Department of Labor implementing regulations at 29 CFR part 9. The final rule applies to service contracts for performance by service employees of the same or similar work at the same location. It requires service contractors and their subcontractors under successor contracts to offer service

employees of the predecessor contractor and its subcontractors a right of first refusal of employment for positions for which they are qualified.

**Dated:** December 14, 2012

LAURA AULETTA,  
Director,  
Office of Governmentwide  
Acquisition Policy,  
Office of Acquisition Policy,  
Office of Governmentwide Policy.

Federal Acquisition Circular (FAC) 2005-64 is issued under the authority of the Secretary of Defense, the Administrator of General Services, and the Administrator for the National Aeronautics and Space Administration.

Unless otherwise specified, all Federal Acquisition Regulation (FAR) and other directive material contained in FAC 2005-64 is effective January 18, 2013.

**Dated: December 12, 2012.**

**Richard Ginman**  
Deputy Director, Defense  
Procurement and Acquisition Policy

**Dated: December 14, 2012.**

**Joseph A. Neurauter,**  
Senior Procurement Executive/Deputy CAO,  
Office of Acquisition Policy,  
U.S. General Services Administration.

**Dated: December 13, 2012.**

**William P. McNally,**  
Assistant Administrator for Procurement,  
National Aeronautics and Space Administration.

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